

The Honorable John C. Coughenour

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
STEVE GODINA OCHOA,  
  
Defendant.

NO. CR21-149 JCC

GOVERNMENT'S SENTENCING  
MEMORANDUM

The United States of America, by and through Nicholas W. Brown, United States Attorney for the Western District of Washington, and Cecelia Gregson, Assistant United States Attorney, respectfully submits this Sentencing Memorandum.

The defendant pled guilty to Count 1: of Possession with Intent to Distribute Methamphetamine and Heroin, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B); Count 2: Possession of Firearms in Furtherance of a Drug Trafficking Crime, in violation of 18 U.S.C. § 924(c)(1)(A); and Count 3: Possession of Child Pornography in violation of Title 18 U.S.C. § 2242(a)(4)(B). The Plea Agreement included a waiver of Defendant's appellate rights. Sentencing is scheduled for January 11, 2022, at 0:00 a.m.

For the reasons that follow, the parties recommend a total term of imprisonment of 120 months imprisonment followed by 10 years of supervision under the conditions recommended by United States Probation to include no contact with the victim. Restitution has not been requested.

1 I. FACTUAL BACKGROUND

2 In November 15, 2019, Bellevue Police Department investigated the rape of a thirteen  
3 (13) year old female born in 2006, MINOR VICTIM 1 (hereafter MV1). The investigation  
4 revealed that MV1 had been repeatedly sexually assaulted by her then twenty-nine year (29)  
5 boyfriend (the defendant), between the period of January 4, 2019, through October 18, 2019,  
6 throughout Bellevue and King County in three vehicles registered to the defendant in which  
7 he resided. MV1 further disclosed that the defendant produced and knowingly possessed  
8 photos and videos depicting MV1 and the defendant having intercourse. Dkt. 31, ¶ 10.  
9 MV1 underwent a forensic interview with investigators and disclosed that the defendant  
10 plied her with drugs which he frequently sold in her presence, orally, digitally, and vaginally  
11 sexually assaulted her, requested her to have sex with his friends, produced child  
12 pornography of her, took her out to “nice meals” and “bought her gifts.” Bates at 112-482.

13 Following the execution of search warrants on the defendant’s vehicles a slew of  
14 devices were seized and subsequently forensically examined, to include a Samsung Galaxy  
15 S9 phone that housed multiple child pornography files that the defendant knew involved the  
16 use of minors engaged in sexually explicit conduct. MV1’s sexual exploitation was also  
17 housed on the Samsung phone. Dkt. 31, ¶ 10.

18 The Bellevue Police Department searched the defendant’s three registered vehicles  
19 and recovered the following evidence: two metal lock boxes, plastic baggies, glass pipes, two  
20 scales, 211.3 grams of methamphetamine total; 74.6 grams of heroin total; 26.8 grams of  
21 suspected cocaine; 5.5 grams of an unknown white crystal powder total; five suspected  
22 Xanax pills in three baggies; marijuana, \$4,698 in U.S. Currency, various brands of  
23 ammunition, a loaded Sig Sauer P938 Equinox 9mm caliber pistol bearing serial number  
24 52B091243 found with two rounds in the inserted magazine, a Colt M4 Carbine 5.56 NATO  
25 caliber rifle bearing serial number LE371154, a loaded rifle magazine containing thirty (30)  
26 rounds of .223 Remington ammunition, a Century Arms C39V2 7.62x39mm caliber rifle  
27 bearing serial number C39V2A18494, and a loaded rifle magazine with fifteen (15) rounds  
28

of 7.62x39 mm ammunition. The Sig Sauer pistol was reported stolen from Snohomish County and the Century Arms rifle was reported stolen from Federal Way. Dkt. 31, ¶ 10.

The defendant was ineligible to possess firearms pursuant to the following felony convictions: Attempted Unlawful Possession of a Firearm First Degree (2011), Arson Second Degree (Juvenile 2005), Reckless Burning First Degree (Juvenile 2005), Attempted Arson Second Degree (Juvenile 2005). Dkt. 31, ¶ 10.

On May 11, 2021, the defendant was charged in a three-count Information with charges relating to drug trafficking and firearms possession. Dkt. 1. After months of negotiation, on September 21, 2021, the defendant pled guilty to a three count Information to include a count of child pornography possession pursuant to a written Rule 11(c)(1)(B) Plea Agreement in which the government agreed to recommend 120 months imprisonment. Dkts. 27, 31.

## II. GUIDELINES CALCULATIONS

The government concurs with the calculation of the Guideline range by United States Probation as to Count 1, Possession with Intent to Distribute Methamphetamine and Heroin which carries 60 months' imprisonment mandatory minimum:

Base Offense Level	26	USSG § 2D1.1(c)(7)
<b>Total</b>	<b>26</b>	

The government concurs with United States Probation's calculation of the Guidelines range as to Count 3, Possession of Child Pornography:

Base Offense Level	18	USSG § 2G2.2
Possession of 75 files	+2	USSG § 2G2.2(b)(7)(A)
Use of Computer	+2	USSG § 2G2.2(b)(6)
<b>Total</b>	<b>22</b>	

Counts 1 and 3 are grouped for guideline calculation purposes pursuant to USSG § 3D1.2(c). Count 2 is specifically excluded from grouping as it requires a mandatory consecutive sentence to all other counts of 60 months, pursuant to USSG § 3D1.1(b).

There is a Multiple Count Adjustment of 2 units added to the offense level resulting in a combined adjusted offense level of 28. PSR ¶ 32. The defendant entered a timely plea and has accepted responsibility. Accordingly, a three-level decrease per count is warranted pursuant to USSG §3E1.1(a) and (b) reducing the total offense level to 25. With four criminal history points, defendant is in Criminal History Category III. The mandatory minimum term of imprisonment is 120 months; thus the guideline range of imprisonment is the same. The government agreed to recommend 120 months imprisonment.

### III. SENTENCING RECOMMENDATION

A 120 month term of custody followed by 10 years of supervision is sufficient, but not greater than necessary, to accomplish the goals outlined in 18 U.S.C. § 3553(a). The case was thoughtfully negotiated by the parties.

### A. Term of Imprisonment

## 1. The Nature and Circumstances of the Offense

The defendant sexually exploited MV1, an at risk 13-year-old child enduring a hard life on the streets. He elected to ply her with the same poison he sold others to line his pockets. He was unkind to her, put her in harm's way on numerous occasions through his narcotics dealings, mistreated her physically, emotionally, and sexually, and indelibly impacted MV1's sense of self-worth. While the illegal activity related to the defendant's trade of narcotics and possession of firearms drives this sentence, it is in fact the sexual exploitation of this young girl that landed him in federal court. The damage inflicted by the defendant is undeniable.

## 2. The History and Characteristics of the Defendant

The defendant reports having endured a tragic childhood. He is an example of injured people injuring other people. His criminal history started in his youth and has grown with time in severity and frequency. Incarceration for a substantial period provides a modicum of protection for society and an opportunity to consider a different path forward following release.

1           **3.     Promoting Respect for the Law, Providing Just Punishment, and**  
2           **Affording Adequate Deterrence to Criminal Conduct**

3           There are very few crimes that are more serious than those involving the sexual abuse  
4 and exploitation of children and narcotics trafficking is an undeniable blight on our  
5 community which robs our citizens of quality and longevity of life. As a convicted felon, the  
6 defendant elected to use firearms to protect his wares again putting himself and others are  
7 risk of harm or death all in an effort to support his lifestyle without having to comply with  
8 societal norms.

9           The need for a substantial sentence here is clear, and a sentence of 120 months'  
10 custody is entirely warranted and will send a clear message to the community while exacting  
11 punishment for the defendant's actions. The recommended sentence adequately accounts for  
12 the defendant's exploitive and criminal behavior in this case and presents no risk of an  
13 unwarranted sentencing disparity.

14 **B.     Supervised Release**

15           The joins United States Probation and requests a 10 year term of supervision as  
16 appropriate in this case. Given the nature and severity of the defendant's conduct, a 10 year  
17 term of supervision will provide the defendant with much needed supervision and will  
18 provide critical community protection.

19 //

20 //

1 IV. CONCLUSION

2 For the forgoing reasons, the government respectfully recommends that the Court  
3 impose a sentence of 120 months of imprisonment followed by 10 years of supervision.

4 DATED this 4th day of January 2022.

5 Respectfully submitted,

6 NICHOLAS W. BROWN  
7 United States Attorney

8 s/ Cecelia Y. Gregson

9 CECELIA Y. GREGSON  
10 Assistant United States Attorney  
11 Western District of Washington  
12 700 Stewart Street, Suite 5220  
13 Seattle, Washington 98101-1271  
14 Telephone: (206) 553-7970  
15 Fax: (206) 553-0755  
16 Email: cecelia.gregson@usdoj.gov  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28